

Attn: Jared Hart
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San José, CA 95113

Emailed as PDF to: jared.hart@sanjoseca.gov

June 29, 2007

Coyote Valley Specific Plan Draft Environmental Impact Report Comments

Dear Jared,

With limited time to review the DEIR and associated documents I regret that my comments must also be limited. I have attempted to associate my comments with the appropriate document indices, but could not spare time to include them all – please consider my comments with respect to all applicable sections of the documents. Thank you for your time and attentiveness to these and other comments on the CVSP DEIR.

DEIR 4.6.2.4 Existing Wildlife Corridors, Impact BIO-26, 4.6.4.5 Mitigation for Impacts to Wildlife Movement, MM Bio-26.1, 5. Alternatives,, 6. Cumulative Impacts, 8. Significant Unavoidable Impacts, 9. Irreversible Changes & related sections

The best mitigation for impacts to wildlife movement is to avoid them in the first place. Unfortunately, since this issue was not included in the ecological footprint, the planning apparently only considered this issue as an afterthought. Since wildlife habitat connectivity through the Coyote Valley has become of **regional significance**, through the cumulative past and ongoing reduction of habitat connectivity through land development, and the ensuing near-isolation of the ecosystems of the Santa Cruz Mountain Range, thorough consideration of this issue should be fundamental to project planning. The DEIR fails to demonstrate that impacts to regional wildlife movement will be mitigated to less than a significant level.

- **Please acknowledge and re-evaluate this issue of regional significance in the Biological, Cumulative Impacts, Significant Unavoidable Impacts and Irreversible Changes sections and**
- **Please evaluate an Alternative that incorporates our ever-increasing knowledge of current wildlife movement patterns through the Coyote Valley into the planning opportunities and constraints analysis.**

Riparian buffers: When ecosystem isolation gets down to the level at which the Santa Cruz Mountain Range now finds itself, the somewhat arbitrary 100 foot buffers along Coyote and Fisher Creeks may not provide sufficient protection to ensure habitat connectivity for the full range of species into the future, in the context of the highly urban development proposed nearby. **Please provide a rationale, including literature documentation, that assures the public that the 100 foot buffers proposed for especially Coyote Creek, but also Fisher Creek will provide for the continued flow of species and genes between the Santa Cruz Mountain Range and its foothills, and the Mt. Hamilton/Diablo Range to the east – at and following buildout of the proposed project.**

DEIR 4: 6.3.7, Impact BIO-27 MM Bio-27.1 & Appendix G. 6.1.4 Serpentine Grasslands and Nitrogen Deposition & related sections pertaining to serpentine grassland species

It is not clear how preserving additional habitat will mitigate for the effect of additional nitrogen emission from automobiles and other sources within the Development Area at build-out of the plan area – especially since no threshold has been established for such effects. Any additional habitat preserved will be subject to the same increase in nitrogen deposition. Sure, it can be said that intensive management may offset the effects of the additional nitrogen deposition but this remains speculative and there is no proof that intensive management will provide for the continuance of all the sensitive species residing in the serpentine grasslands.. Furthermore, the potential degree of management required suggests the preserve will become more akin to a zoo than a natural area. **Please offer some additional mitigation measures that actually reduce the projected nitrogen deposition or acknowledge this as a significant unavoidable impact.**

DEIR 4: 6.4.1 Mitigation for Impacts to Biological Habitats, Impact Bio-6, MM BIO-6.1, Impact Bio-22, MM Bio-22.4, & Appendix G. 6.1.3 Direct Impacts to Other Sensitive Biological Communities

It is not clear that sufficient suitable sites exist for replacement of especially valley oak woodland and serpentine grassland, as well as coast live oak woodland. The acknowledgement that it may be necessary to provide the mitigation at an off-site preserve provides no assurance that adequate mitigation will be accomplished and suggests that it could be accomplished at great distance from the site of the proposed impacts. **Please assure the public that adequate suitable locations do exist for this mitigation by revealing proposed off-site mitigation areas.**

Re MM Bio-22.4 specifically:

While commendable, the proposed donation to San Jose Beautiful or Our City Forest would not mitigate for loss of trees as wildlife habitat in Coyote Valley and appears more like a buy-off to pacify tree groups. **Please explain how the proposed donation would mitigate for the ecological and hydrological functions these trees now serve in Coyote Valley.**

A 24 inch box tree is absolutely not equivalent to two 15 gallon trees, especially with respect to oaks. As a certified arborist I can tell you that oak seedlings initiate a taproot that becomes interrupted by extended growth in containers. Evidence indicates that the growth of oaks from smaller containers will actually surpass that of oaks trapped in containers long enough to be sold as a 24 inch box. So substituting size for number should not be considered an acceptable mitigation strategy. **Please provide a rationale supported by applicable literature that justifies the proposed substitution of one (24-inch box) tree for 2 (15-gallon) trees.**

Unidentified Cumulative Impacts on Water Resources & associated Biological Resources

At a time when we are being asked to water our landscapes before dawn, the irresponsibility of this proposed year-round, city-scale water feature should be obvious. It seems to fly in the face of the “Water Use Efficiency” section of Appendix E. The use of a standardized evapotranspiration rate for determining landscape uses of water does not encompass the dynamics associated with the proposed operation of the urban canal and lake through the dry seasons. While aeration and more will certainly be needed to maintain this fake lake, the proposed aeration features, such as waterfalls, will expose great quantities of increasingly precious water to a highly evaporative situation along the canal, along with the lake itself, while providing only (fake) aesthetic benefits.

Please quantify the likely seasonal evaporation from the lake and canal, operated as described with aerating features through the dry seasons, and incorporate that into the evaluation of the project’s water consumption.

The Cumulative Impacts section fails to acknowledge the cumulative impacts of the CVSP and other projects on water resources such that construction of a new reservoir will likely become necessary by 2030. **Who will pay for constructing that new reservoir and just where will it go? Please quantify the relative proportion of cumulative impacts on water resources attributable to this project that will necessitate eventual construction of a new reservoir. Please also estimate the extent of biological impacts associated with construction of a new reservoir, along with the feasibility of adequately mitigating those likely impacts.**

Again, thank you for your attention to my comments and thank you in advance for your responses.

Respectfully,

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